

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:** : Chapter 13  
**Schmidt, Scott A.**  
**Schmidt, Cheryl**  
**Debtors/ Respondents** : 16-15739 JKF

**Answer to Motion of  
For Relief from Automatic Stay**

Debtors Scott A. and Cheryl ,Schmidt by and through their undersigned attorney, hereby provides the following answer to the Motion for Relief from Stay filed by MTGLQ Investors, LP c/o Rushmore Loan Management Services ("Movant"). These responses are made without prejudice to debtors' right to present additional facts or contentions at trial based upon information hereinafter obtained or evaluated. Debtors specifically reserve the right to supplement or amend their responses or present additional facts and contentions at a later date to any of the answers given.

1. Denied. The allegation contained herein are directed to a party other than the answering debtors, and they are denied as no response is required. To the extent an answer may be appropriate, the allegations are denied, and the debtors aver that A mortgage servicing company with no beneficial interest in the underlying mortgage does not have standing to file a motion for relief from the stay. See *In re Morgan*, 225 B.R. 290(Bankr.E.D.N.Y.1998), *vacated on other grounds sub nom. In re Nunez*, 2000 WL 655983 (E.D.N.Y. Mar. 17, 2000).

2.-4. Admitted.

5. -6. Denied. The averments contained in these Paragraphs consist of mischaracterization or summarization of documents that speak for themselves and they are denied as no response is required.

7. Denied. Strict proof is hereby demanded.

8. Denied. The averments contained in this Paragraph consist of mischaracterization or summarization of documents that speak for themselves and they are denied as no response is required.

9. Denied. Debtor can neither admit nor deny the allegations because Debtor has no personal knowledge of the accuracy of such statement. Strict proof is hereby demanded

10. The allegation is a legal conclusion of law to which no answer is required.

For the reasons set forth above, among others, and based on this Court's authority under the Bankruptcy Code, the Debtors pray that the motion be denied,

and such other relief as is just and proper. The Debtors specifically reserve the right to supplement the answer at or prior to the hearing thereon.

Dated: February 27, 2018

"/s/" Mitchell J. Prince  
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